

CRIMINAL SENTENCING MINUTES

DATE: April 7, 2006
LOCATION: Syracuse, New York
TIME: 4:00 P.M.
PRESIDING: Hon. Norman A. Mordue
CLERK: Judi McNicholas
STENO: Jodi L. Hibbard

RE: US vs. JEFFREY DEVEAU
CRIMINAL NO. 5:2005-CR-219 (NAM)

APPEARANCES: U.S. ATTORNEY OFFICE - ND/NY
BY: Andrew Baxter, AUSA for GOVERNMENT

Edward Menkin, Esq., for DEFENDANT (ret)

- X Judge meets with attorneys in chambers
- X In open court with defendant present
- X Judge inquires regarding review of presentence report and objections thereto.
- X Attorney Menkin is heard on behalf of defendant.
- X Attorney Baxter speaks on behalf of government
- X Defendant and defendant's wife addresses the Court
- X The Court adopts the factual findings in the presentence report and submissions by counsel, and has considered the factors outlines in 18 U.S.C. § 3553, Impositions of Sentence, along with the Sentencing Guidelines which are advisory.

GUIDELINE RANGE DETERMINED BY THE COURT:

Total Offense Level: 20
Criminal History Category: I
Imprisonment Range: 33 to 41 months

PURSUANT TO THE SENTENCING REFORM ACT OF 1984, IT IS THE JUDGMENT OF THE COURT:

- X Defendant is sentenced on **Counts 1 through 4 and Count 6 of the Superseding Indictment.**
- X Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of **1 year and 1 day on each of Counts 1 through 4 and Count 6 of the Superseding Indictment to be served concurrently.** Judge Mordue recommends to the Bureau of Prisons that the defendant be placed in a facility as close to his home in Syracuse and that the defendant be placed in a minimum security facility

X Upon release from imprisonment, defendant shall be placed on supervised release for a term of **3 years on each of Counts 1 through 4 and Count 6 of the Superseding Indictment to be served concurrently.**

X SPECIAL CONDITIONS

X You shall provide the probation officer with access to any requested financial information.

X You shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

X You shall apply all monies you receive from any income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

X You shall participate in a mental health program which shall include medical, psychological, or psychiatric evaluation and may include outpatient and/or inpatient treatment. The program shall be approved by the US Probation Office.

X A special assessment of \$500 is imposed, which is due immediately.

FINE/COST OF INCARCERATION:

X Defendant is ordered to make restitution in the amount of **\$15,655,337.54.** The court gives notice that this case involves other defendants, whose prosecution is currently pending in another district, who may be held jointly and severally responsible for payment of all or part of the restitution ordered.

X The Court does not impose a fine based on defendants financial resources, projected earnings and other income as well as defendants financial obligations, that you have the ability to pay restitution, but do not have the ability to pay interest on restitution or a fine and waives both.

X Appeal rights explained to parties

X Judge Mordue directs the defendant to self-surrender to the U.S. Marshal on May 23, 2006, to the facility designated by the US Marshal.

4:45 P.M. Court stands adjourned.